

FSF Publications

Allowed to care - allowed to intervene

Sexual harassment in sports



A guidebook for adults

**Suomen Liikunta ja Urheilu
Finnish Sports Federation**

Allowed to care – allowed to intervene Sexual harassment in sports

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To the adult reader

The purpose of this guidebook is to tell about sexual harassment to adults involved in the field of sports – parents, coaches, trainers, instructors, teachers, club managers, administrators, sports facility maintenance personnel and others responsible for children and youth sports. Our intention is also to offer a set of guidelines to prevent sexual harassment in sports.

Bodily contact is an essential part of all physical activity and sports; the improvement of one's performance always involves modification of the body, which inevitably brings the athletes, coaches, parents, medical personnel and others to close contact with each other. In almost every sport the coach has to guide the athlete with a touch, for instance, to help her/him find the right position for the performance.

Touching, patting, hugging etc. belong to the world of sports activities. It is important that we have the courage to face and show the strong emotions risen in various situations. Facing the feelings is what we need in our growth as children, youngsters and adults. Expressing team spirit or joy without physical contact would not feel the same at all. Training and competing builds a mental, social and emotional relationship between the athlete, the coach and the officials as well as between athletes.

This guidebook is not intended to promote inhibitive, pressing body culture within sports. Touching and expressions of encouragement should not become taboos in sports. It is important to discuss what we consider acceptable and unacceptable behaviour in our culture and especially in sports. These conceptions change with time; they can vary enormously between the generations and between men and women, boys and girls.

In the world of changing meanings, the adult has to be ethically conscious and able to recognise inappropriate modes of behaviour. He/she is also expected to have the ability and courage to intervene in these situations. An adult's care and involvement means that she/he tries to prevent unacceptable behaviour whether it be that of other adults, children or youth. This is a difficult task but we hope this little guidebook will support the numerous adults who provide important education to children and youth participating in the world of sports.

What is sexual harassment?

There is no simple answer to this question. The starting point is, however, always the person experiencing harassment. In the following we will introduce some concepts that will help the adult to recognise these situations.

Sexual harassment may occur in the following ways:

- Sexual taunts and name-calling
- Sexually suggestive gestures and facial expressions
- Sexual suggestions, comments and questions related to one's body, clothes, private life, sexual orientation, disability etc.
- Touching of sexual nature (pinching, attempted kissing, body contact or pressing etc.)
- Telephone calls, sms (short messages), emails or letters with sexual content
- To be shown or receive pictures or things with sexual content
- Ridicule or sexist jokes
- Repeated sexual proposals or invitations concerning sexual behaviour
- Forced sexual acts (rape or attempted rape)

Both boys and girls, men and women can experience sexual harassment.

Sexual discrimination, harassment and abuse are all means of power abuse. The relationship between a coach/trainer and a young athlete is always a power relationship. The adult has to refrain from flirtation and any comments related to sexuality that go beyond good manners and that may have harmful consequences to the young athlete's growth and development. Open and matter-of-fact sex education and information dissemination, on the contrary, belong to good training and education through sports.

Sexual harassment and abuse do not occur in relationships that have a fully equal base even if there are differences in the position of power. Thus, on a general level it can be said that an important aspect in the prevention of sexual harassment in sports is to make its structures more democratic and open and to bring up young athletes capable of equal communication and relationships.

Sexual harassment may also occur in the relationships among children and youth. Inappropriate behaviour includes, for instance, verbal insults and calling someone offensive names (slander, anti-woman, anti-gay names, etc.). It is the adult's responsibility to intervene in these situations. The adult is responsible for the boundaries for the behaviour of children and youth. The adult's passivity in these situations is often interpreted by children and youth as silent acceptance even if it were in fact uncertainty, helplessness or fear from the adult's perspective.



What is experienced as sexual harassment depends on the individual, the situation, interaction between both parties and previous experiences. **What is always decisive is how the victim experiences the situation. If he/she feels harassed the case has to be taken seriously.**

Sexual harassment is a violation to an individual's right to personal freedom and sexual self-determination. A child or young person does not know the boundaries of acceptable behaviour and moreover he/she does not usually have the courage to oppose the adult's authority given that the child has been raised to act upon the adult's word. **Thus we cannot expect a child or young person to be able or have the courage to tell her/his coach or team member that he/she finds the other's behaviour disturbing or insulting.** Accordingly, we cannot expect a child or young person to forbid sexual harassment either. Apart from that, sexuality can be associated with shame, insult, vulnerability and confusion. For this reason the child may never report of her/his experiences of harassment, not even years later if he/she is asked about it.

It is also important to recognise that it can be more difficult for some children to disclose harassment and/or abuse than for others. Children from ethnic minorities, for instance, may have regularly experienced racism, which may lead them to believe that representatives of the dominant population, including those in authority roles, do not really care about their well-being. Furthermore, disabled children and youth may have to overcome additional barriers before feeling they can tell about abuse. They may rely on the abuser for their daily care and not know of alternative sources of care or residence. There may also be communication difficulties.

It is important that adults involved in sports are aware of the potential problems and intervene preventatively as early as

possible in situations where sexual harassment or other power abuse may be suspected to occur. An open guilt-free culture of communication is always the best prevention to undesired outcomes.

Prevention

Recommendations for good atmosphere

The purpose of the following recommendations is to help the adult to recognise the ways in which sexual harassment can occur in the field of sports. All in all they aim toward respectable behaviour and good atmosphere in which everyone feels safe.

The following recommendations have been partly adapted from the Code of Conduct for sexual harassment in sports set by the Netherlands Olympic Committee * Netherlands Sports Confederation in 1997.

For the sake of simplicity, the word adult is used throughout this guidebook. The adult is to be understood to include all adults involved in sports whether in a paid or voluntary capacity including adult athletes:

- Technical sports staff: trainers, coaches, teachers
- Medical sports staff: physiotherapists, masseurs, doctors, psychologists
- Organisational and general staff: road managers, chaperones, officials, referees etc.
- Maintenance staff
- Administrative staff
- Family members
- Spectators and sponsors

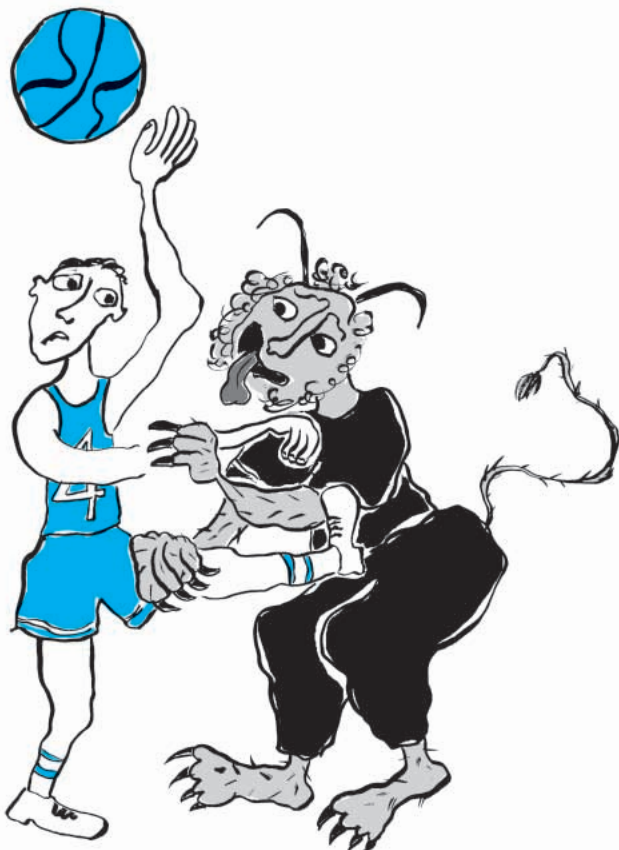
Observance of the recommendation is always the responsibility of the adult, not the child.

- 1 The adult creates an atmosphere and environment where the athlete feels that his/her bodily integrity, sexual self-determination and possibilities to move are safeguarded.

This means, for instance, that one is allowed to talk also about difficult issues and feels safe to express her/his opinions freely in the context of sport. The adult listens to the child or young person and takes his/her opinion seriously.

- 2 The adult refrains from any form of action or treatment affronting the athlete's personal dignity and further refrains from intruding in the athlete's private life to any degree greater than necessary to achieve the commonly agreed purpose.

This means, for instance, that the adult does not interfere with the young athlete's life by asking questions about it or setting up a date with the child or young person.



- 3 The adult refrains from any form of sexual (power) abuse and/or any form of sexual harassment directed at the athlete.

This means, for instance, that

- *The adult does not satisfy his/her sexual needs or aggressive desires with the young athlete*
- *The adult does not create a sexually charged atmosphere*

- 4 Sexual acts and sexual relations between an adult and a young athlete are under no circumstances permitted and will be regarded as sexual abuse. This also applies to relationships between an older and younger athlete, for instance a younger team member. Sexual acts and relations with any athlete under the age of 16 are always considered criminal acts.

- 5 The adult may not touch the athlete in such a way that the contact can be reasonably interpreted by either party as being of sexual or erotic nature, as would be the case in, for instance, deliberately touching (or making someone else touch) genitals, buttocks or breasts.

The athlete may find, for instance, the following situations uncomfortable:

- *An all-too-long handshake on meeting or departing*
- *The adult pulls the athlete towards her/him in order to kiss the child or young person*
- *The adult presses up against the young athlete*

- 6 The adult refrains from all forms of sexually charged verbal intimacies and intervenes when he/she witnesses such behaviour between children or youth.

This includes sexually charged comments and suggestions, such as

- *Coarse remarks and name-calling*
 - *Dirty jokes under the pretext of "anything is allowed when it is a question of humour"*
 - *Irrelevant questions about the athlete's sex life*
-

- 7 The adult will at all times during training sessions, games and travelling, act in a reserved and respectful way toward the athlete and toward those spaces which the athlete occupies, such as changing rooms or hotel rooms.

A teenager who is growing toward adulthood and independence often finds the power relationship problematic at a certain age, especially if his/her own parent is in the position of power (e.g. a coach). It is thus recommended that the young athlete beyond the age of 15 be treated in the same way as his/her team members, and, for instance, during travelling the adults do not share rooms with the young.

This recommendation about the reserved and respectful behaviour toward the athlete and the spaces occupied by her/him also applies to sports facility maintenance, cleaners, supervisors, medical personnel and others expected to adopt and work to their professional ethical code of conduct.

- 8 The child or youngster will not be given the impression that he/she is expected or required to provide any form of sexual service as a service in return for financial support or other service provided by an adult.
- 9 It is the adult's responsibility to refrain from acting according to the sexual suggestions made by a young athlete; a child or young person is not necessarily aware of the consequences of his/her initiative.

Feelings of love or crush are often directed toward an adult as an idol. *The adult has to know his/her responsibility in a situation where a young athlete has developed a crush on an adult who is in a position of power –*

a coach, trainer, teacher, manager, leader etc. The adult shall not respond to the feelings of the child or young person, but set up boundaries for the young person's behaviour in a kind manner.

"So, now I can't even give a pat on the head?"

Detailed rules for personal interaction and forms of physical contact in sports cannot be easily defined. The recommendations above do not aim to do so either. Some forms of physical contact have a function and a pat on the head can be both pleasant and motivating. Touching and compliments must not be allowed to become taboos in sport.

The purpose of these recommendations is to offer guidelines for the adult in order to prevent any form of sexual harassment. They should be seen as guiding principles for the adult's behaviour rather than detailed instructions as to what can and cannot be done. They provide a starting point for the adult to consider and discuss his/her own behaviour and that of other adults in sports, a field where one has not always been used to dealing with difficult issues.

(Dutch Code of Conduct 1997)

What to do when sexual harassment occurs?

Guidelines to deal with sexual harassment

Prevention

It is important that children and youth are allowed to talk openly also about difficult issues in the context of sports, in other words, to create an atmosphere where one feels safe to talk about anything. This kind of atmosphere is the most effective way to prevent sexual harassment.

Before the beginning of a coaching or training relationship it is good to set up certain basic rules of interaction together with the parents, for instance, following the recommendations given on pages 9-12 in this guidebook. Discussion is the key to finding the optimal way for everyone to work together. It is important that sports clubs and other bodies organising sports activities communicate clearly that everyone involved in sport must refrain from any sort of (power) abuse and/or sexual harassment.



Dealing with sexual harassment: what steps to take?

The descriptions below provide tools for the adult to confront harassment in the field of sports. It is the adult's responsibility to take care of the problems – not that of the children or youth involved.

a) An adult or young person has started to behave in an ethically problematic way

Nothing serious has happened at this point but it is important to put a stop to unacceptable behaviour. The adult who has observed the behaviour aims to ensure that children and youth are raised toward equality and self-determination. It is also good to note that there is always the possibility of misunderstanding between the different parties.

The right thing to do is to intervene in improper situations. The adult is ***allowed to care – allowed to intervene***. It is an indication of the adult's sense of responsibility. Indifference is the worst. An adult's care and involvement means that she/he tries to prevent unacceptable behaviour whether it is that of other adults, children or youth.

If you are concerned about poor practice:

The adult should not be alone with the situation. Discuss the problem immediately with one of your colleagues or with a professional specialist who will provide confidential advice, for instance, in the helping agencies listed below. No question or observation is too small or insignificant. In order to avoid possible misunderstandings it is also advisable to contact professional help.

Communal child guidance and family counselling centre

Rape Crisis Centre Tukinainen

Free crisis telephone
0800 97899
www.tukinainen.fi

Mannerheim League for Child Welfare

Free telephone line 0800 120 400
www.lapset.net

Educational clinic in Sexology,

Jyväskylä Polytechnic:

Counselling, therapy and guidance in issues of sexual nature:
0600 4141 20 Mon and Fri 10-12
(1,19 eur/min + local call fee)

- Bring up the matter with the person concerned.
- Contact the young athlete's parents if they are not already aware of the situation
- Contact the manager or chairman of the sports club or any other designated person responsible for the ethical questions of the club activities
- For further advice: contact the equality coordinator of the Finnish Sports Federation who is supported by a group of experts: tel. (09) 3481 21

b) A serious suspicion of sexual abuse

A young athlete behaves in an alarming way; he/she informs you either directly or indirectly that he/she is concerned about someone's behaviour toward him/her in the context of sports activities or elsewhere.

An example of a child's or young person's indirect message:
The child or young person has psychosomatic symptoms and pains that have nothing to do with the physical requirements of the sport he/she is practising. His/her development stops in view of achievements in the sport and the care given to the symptoms does not lead to the next logical phase. She/he tries to avoid being alone with the adult.



A young athlete tells directly about sexual harassment in the context of sports:

"—When we didn't perform well, then the punishment was that we should sit on his lap. I remember I thought it was disgusting. He touched us and was really very terrible... We had a drill where we had to sprint, and the one who came last had to sit on his lap, so everyone was running like hell..." (Fasting 2001)

If you observe or have a serious suspicion of abuse:

The adult shall not handle the situation alone. Talk about the case immediately with a helping professional and possibly with a colleague. You can contact the following agencies:

Communal child guidance and family counselling centre

Rape Crisis Centre Tukinainen
Free crisis telephone
0800 97899
www.tukinainen.fi

Mannerheim League for Child Welfare

Free telephone line 0800 120 400
www.lapset.net

Educational clinic in Sexology, Jyväskylä Polytechnic:

Counselling, therapy and guidance in issues of sexual nature:
0600 4141 20 Mon and Fri 10-12
(1,19 eur/min + local call fee)

- Take care of the entire safety of the child or young person.
- Contact the child's or young person's parents immediately if they are not already aware of the situation.
- If the parents have not reported to the child welfare authority, contact the communal social services department.
- If the child or young person shows physical signs of abuse, take him/her immediately to a doctor at a health care centre.
- After the case has been reported to the child welfare authority, they together with the police have the responsibility to take the matter forward.

c) Evidence of sexual offence

The adult who has taken a note of sexual offence:

If your conception of the act or the attempt of it fulfils the descriptions of the Penal Code of Finland provided on the following pages, contact the police and the child welfare authority immediately. The victim of a sexual offence has the right to a legal counsellor provided by the state regardless of income and wealth.

Sexual abuse of children and youth in the Penal Code of Finland

When we talk about sexual harassment we often deal with situations not defined as criminal cases but in which inappropriate behaviour occurs, which requires intervention. The following reference to sex offences in the Penal Code of Finland is to provide basic information about cases where the behaviour has gone beyond the boundary of a criminal act.

The Penal Code of Finland: Chapter 20 - Sex offences (563/1998)

Section 1 - Rape

A person who coerces another into sexual intercourse by the use or threat of violence shall be sentenced for *rape* to imprisonment for at least one year and at most six years.

A person shall also be sentenced for rape if he/she takes advantage of the incapacity of another to defend himself/herself and has sexual intercourse with him/her, after rendering him/her unconscious or causing him/her to be in such a state of incapacity owing to fear or another similar reason.

An attempt is punishable.

Section 2 - Aggravated rape

If, in the rape,

- (1) grievous bodily injury, serious illness or a state of mortal danger is inflicted on another;
- (2) the offence is committed by several people; or especially hard mental or physical suffering is caused;
- (3) the offence is committed in a particularly brutal, cruel or humiliating manner; or
- (4) a firearm, edged weapon or other lethal instrument is used or a threat of other serious violence is made,

and the rape is aggravated also when assessed as a whole, the offender shall be sentenced for *aggravated rape* to imprisonment for at least two years and at most ten years. An attempt is punishable.

Section 3 - Coercion into sexual intercourse

If the rape, in view of the slightness of the violence or threat and the other particulars of the offence, is deemed to have been committed under mitigating circumstances when assessed as a whole, the offender shall be sentenced for *coercion into sexual intercourse* to imprisonment for at most three years.

A person who coerces another into sexual intercourse by a threat other than that referred to in section 1 (first paragraph) shall also be sentenced for coercion into sexual intercourse. An attempt is punishable.

Section 4 - Coercion into a sexual act

A person who by violence or threat coerces another into a sexual act other than that referred to in section 1 or into submission to such an act, thus essentially violating his/her right of sexual self-determination, shall be sentenced for *coercion into a sexual act* to a fine or to imprisonment for at most three years.

An attempt is punishable.

Section 5 - Sexual abuse

A person who abuses his/her position and entices one of the following into sexual intercourse, into another sexual act essentially violating his/her right of sexual self-determination, or into submission to such an act,

- (1) a person younger than eighteen years of age, who in a school or other institution is subject to the authority or supervision of the offender or in another comparable manner subordinate to the offender;
- (2) a person younger than eighteen years of age, whose capacity of independent sexual self-determination, owing to his/her immaturity or the age difference of the persons involved, is essentially inferior to that of the offender, where the offender blatantly takes advantage of the immaturity,
- (3) a patient in a hospital or other institution, whose capacity to defend himself/herself is essentially impaired owing to illness, handicap or other infirmity; or
- (4) a person who is especially dependent on the offender, where the offender blatantly takes advantage of the dependence,

shall be sentenced for *sexual abuse* to a fine or to imprisonment for at most four years.

A person shall also be sentenced for sexual abuse if he/she takes advantage of the incapacity of another to defend himself/herself or to make or express a decision, owing to unconsciousness, illness, handicap or other helplessness, and has sexual intercourse with him/her, or gets him/her to perform a sexual act essentially violating his/her right of sexual self-determination or to submit to such an act. An attempt is punishable.

Section 6 - Sexual abuse of a child

A person who

- (1) has sexual intercourse with a child younger than sixteen years of age,
- (2) by touching or otherwise performs a sexual act to a child younger than sixteen years of age, said act being conducive to impairing his/her development,
- (3) or gets him/her to perform an act referred to in subparagraph (2),

shall be sentenced for *sexual abuse of a child* to imprisonment for at most four years.

However, an act referred to in paragraph (1) shall not be deemed sexual abuse of a child if there is no great difference in the ages or the mental and physical maturity of the persons involved.

A person shall also be sentenced for sexual abuse of a child if he/she commits an act referred to in paragraph (1) with a person over sixteen but younger than eighteen years of age, if the offender is the parent of the child or, if living in the same household with the child, the offender is in a position comparable to that of a parent. An attempt is punishable.

Section 7 - Aggravated sexual abuse of a child

If, in the sexual abuse of a child,

- (1) the victim is a child whose age or stage of development are such that the offence is conducive to causing special injury to him/her;
- (2) the offence is committed in an especially humiliating manner; or
- (3) the offence is conducive to causing special injury to the child owing to the special trust he/she has put in the offender or the special dependence of the child on the offender,

and the offence is aggravated also when assessed as a whole, the offender shall be sentenced for *aggravated sexual abuse of a child* to imprisonment for at least one year and at most ten years.

An attempt is punishable.

Section 8 - Buying sexual services from a young person

A person who, by promising or giving remuneration, gets a person younger than eighteen years of age to have sexual intercourse or to perform another sexual act shall be sentenced for *buying sexual services from a young person* to a fine or to imprisonment for at most six months. An attempt is punishable.

Section 9 - Pandering

A person who, in order to gain economic benefit to himself/herself or to someone else,

- (1) keeps a room or other premises where sexual intercourse or other comparable sexual acts are offered for remuneration;
- (2) otherwise takes advantage of the performance of such an act by someone else; or
- (3) entices or intimidates another to such an act,

shall be sentenced for *pandering* to a fine or to imprisonment for at most three years.

An attempt is punishable.

Section 10 - Definitions

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For the purposes of this chapter, *sexual intercourse* means the sexual penetration, by a sex organ or directed at a sex organ, of the body of another.

For the purposes of this chapter, a *sexual act* means an act whose purpose is sexual arousal or satisfaction and which is sexually significant in view of the circumstances and the persons involved.

Calling someone names of sexual nature in public

The Finnish law does not accept a situation where a person 15 years of age or older calls someone names in public (e.g. anti-woman or anti-gay insults). According to section 9 on *Defamation* (531/2000) in chapter 24 of the Penal Code of Finland:

A person who

- (1) spreads false information or a false insinuation of another person so that the act is conducive to causing damage or suffering to that person, or subjecting that person to contempt, or
- (2) makes a derogatory comment on another otherwise than in a manner referred to in subparagraph (1)

shall be sentenced for *defamation* to a fine or to imprisonment for at most six months.

Penal responsibility starts at the age of 15 in Finland. The penalties for persons between 15 to 18 years of age are reduced according to section 2 of chapter 3 of the Penal Code of Finland so that the sentence will be at most three quarters of the most severe penalty.

Act on checking the criminal history of persons working with children

The Act requires the employer to check the criminal record of persons appointed to work with children. The act applies to work performed in employment relationships in the private or public sector which involves, on a permanent basis, to a material degree and in the guardian's absence, raising, teaching or caring for or looking after a minor, or other work performed in personal contact with a minor.

The employer must ask a person to produce an extract from the criminal record when the person is employed or appointed for the first time to a position. The record must contain information on any court rulings sentencing the person for indecent conduct, sexual offences, manslaughter, murder, other unlawful killing or aggravated assault, aggravated robbery or drug offences as referred to in the Penal Code of Finland. The extract of the criminal record must be issued free of charge. The Act does not give the employer the right to collect or save the person's sensitive information.

This procedure does not apply to volunteer work performed among children even though such relationships are formed in this context that may provide opportunities for abuse.

Contact Information and links

Rape Crisis Centre Tukinainen

Free crisis telephone **0800 – 97 899**
(Mon-Thu 9-17, Fri-Sun 17-24)
Free legal consultation **0800 – 97 895**
(Mon-Thu 14-17)
www.tukinainen.fi

Mannerheim League for Child Welfare

Free telephone line **0800 120 400**
www.lapset.net
www.lastenjanuortennetti.net

Kiusattujen Tuki

Free telephone line **0800 9 7474**
www.kiusattujentuki.fi

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Finnish Service for Crime Victims

Phone services **0203 16 116** (Mon-Tue 13-21, Wed-Fri 17-21)
Juridical advice **0203 16 117** (Mon-Tue 17-19)
www.rikosuhripaivystys.fi

Educational clinic in Sexology, Jyväskylä Polytechnic

Counselling, therapy and guidance in issues of sexual nature
Telephone service and appointments: 0600 414 120
(Mon and Fri 10-12, 1.19 eur/min + local call fee)
<http://www.jypoly.fi/sote>

Sexual Equality

Phone service **(09) 681 25855** (Thu and Sun 18-21)
www.seta.fi

Finnish Association for Mental Health

Crisis telephone 0203 44 55 66
(Tue-Sat 15-06, Sun-Mon 15-22)
<http://www.mielenterveysseura.fi/>

Finnish Institute of Occupational Health

www.occuphealth.fi

Increasing Awareness in Educational Organisations of Sexualised and Gendered Violence Publication and web project 2001-2002

University of Oulu, Finland

wwwedu.oulu.fi/aware/projekti.html

Child Protection in Sport Unit, UK

www.sportprotects.org.uk

The sources of the guidebook include:

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- *The Football Association Child Protection Policy* (UK). May 2000.
- *Menettelyohjeet sukupuolisen häirinnän ja ahdistelun ehkäisemiseksi sekä häirintätilanteiden ratkaisemiseksi Stakesissa* 1.1.2002. Stakes
- *Sexual Harassment in sport – Code of Conduct*. Netherlands Olympic Committee * Netherlands Sports Confederation 1997.
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- <http://www.finlex.fi>

For more information in Finnish:

www.slu.fi/tasa-arvo.hairinta

To order the guidebook from the Finnish Sports Federation:

- Finnish Sports Federation: Nelli Koivisto, tel. + 358 9 3481 2605, nelli.koivisto@slu.fi
- The guidebook is also available on the Internet: www.slu.fi/tasa-arvo.materiaali

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